



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Petition for Instruction and Authorization to Abandon Real Property and Terminate Life Estate (Prob. C. 2403)**

<b>Age: 71</b>	<b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 9-6-12.</u>  <b>Minute Order 9-6-12:</b> Mr. Knudson objects to the sale on behalf of Douglas Setrakian. Ms. Kruthers requests a continuance.  <u>As of 9-21-12, nothing further has been filed. The following issues remain:</u>  1. Although this is not a traditional sale, Petitioner seeks to abandon the Conservatee's former residence.  As such, the Court may require verified information with reference to Probate Code §2450(b):  Has the matter been discussed with the Conservatee? Does the Conservatee support or oppose this transaction?  2. The Court may also require notice to the remainder beneficiaries and/or their counsel.
<b>Cont. from 090612</b>	Petitioner states the Conservatee has a life estate interest in a residence that was originally granted to him and his brother by their mother for their joint lives and the life of the survivor. The deed conveyed remainder interests to the California Home for the Aged, Inc., and to the First Armenian Presbyterian Church.	
<b>Aff.Sub.Wit.</b>	The Conservatee's mother died in 2005 and his brother died in 2006, leaving Conservatee as the sole remaining life estate interest holder in the property. He has lived there most of his life, but was removed in June 2011 due to significant health problems and presently remains in a skilled nursing facility in Chowchilla.	
<input checked="" type="checkbox"/> <b>Verified</b>	Public Guardian does not believe the Conservatee's physical and mental health will ever improve to the extent that he can safely return to his residence. His funds are very limited (SSI benefits only) and as long as he resides in a facility or care home, all income must go toward placement costs and personal needs.	
<b>Inventory</b>	The Conservatee lacks sufficient funds to maintain this sizeable older residence. The home has not been insured since 2009 and property taxes have not been paid since 2009-2010 tax year. The roof has deteriorated to the extent that the air conditioning repair person refused to walk on it.	
<b>PTC</b>	Representatives of the remainder beneficiaries verbally affirmed that they would provide financial assistance to protect their interest in the property. At conservatorship hearing in 2009, Edward Fannuchi, counsel for remainder beneficiaries, appeared and represented that his clients would assist with expenses such as insurance and upkeep. However, no financial assistance has been forthcoming.	
<b>Not.Cred.</b>	Although valued at \$95,000.00 per the I&A filed 11-15-10, it is not feasible to sell the life interest in the property, nor is it practical to rent out the property, as there are no funds to make it habitable for renters.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Petitioner seeks authorization to abandon the real property so that Conservatee no longer has the burden of caring for and maintaining it, as well as terminating his life interest.</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
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<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Atty **Fanucchi, Edward L. (for Gerald Ishii – Beneficiary – Petitioner)**Atty **Marshall, Jared (for Leslie Ishii – Co-Trustee – Respondent)**

**Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)**

Frank K. Ishii DOD: 11-10-93		<b>GERALD ISHII</b> , Beneficiary and Co-Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Lily Y. Ishii DOD: 3-7-05			
		Petitioner states he and <b>LESLIE ISHII</b> (Respondent) were named successor co-trustees of the <b>ISHII FAMILY TRUST DATED 3-3-92 (the "Trust")</b> . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in <b>Frank K. Ishii &amp; Sons, Inc.</b> , a California corporation owned by the Settlor.	Continued from 7-2-12, 7-27-12, 8-31-12
Cont. from 070212, 072712, 083112		At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created:	<u>Examiner's Note Re format of Petitioner's documents:</u> Please consider providing a larger top margin so that the top line of each page is readable without removing all documents from the Court file.
	Aff.Sub.Wit.	<ul style="list-style-type: none"> <li>• The <b>FRANK K. ISHII TRUST</b></li> <li>• The <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b></li> <li>• The <b>ISHII FAMILY SURVIVOR'S TRUST</b> (revocable)</li> </ul>	1. Need order.
✓	Verified		
	Inventory	On 3-15-95, <b>Lily Ishii</b> , individually and as Trustee of the Trust, assigned a 36.44% interest to the <b>FRANK K. ISHII TRUST</b> , a 13.56% interest to the <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b> , and a 50% interest to the <b>ISHII FAMILY SURVIVOR'S TRUST</b> of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.	
	PTC		
	Not.Cred.	Lily Ishii died on 3-7-05 and he and <b>LESLIE ISHII</b> (Respondent) became Co-Trustees.	
✓	Notice of Hrg		
✓	Aff.Mail	Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:	
	Aff.Pub.		
	Sp.Ntc.	<ul style="list-style-type: none"> <li>• \$75,000.00 to Sharon J. Shoji (daughter)</li> <li>• One-half of the remaining balance to Gerald</li> <li>• One-half of the remaining balance to Leslie</li> </ul>	
	Pers.Serv.		
	Conf. Screen	<b>SEE PAGE 2</b>	
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As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

**Petitioner requests that:**

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickell to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

**SEE PAGE 3**

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**Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues.** This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

**Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.**

**Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.**

<b>Aliah, age 3</b> <b>Jasmine, age 2</b>   <b>Cont. from 080212</b> <table border="1"> <tr> <td></td> <td><b>Aff.Sub.Wit.</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Verified</b></td> <td></td> </tr> <tr> <td></td> <td><b>Inventory</b></td> <td></td> </tr> <tr> <td></td> <td><b>PTC</b></td> <td></td> </tr> <tr> <td></td> <td><b>Not.Cred.</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Notice of Hrg</b></td> <td></td> </tr> <tr> <td></td> <td><b>Aff.Mail</b></td> <td></td> </tr> <tr> <td></td> <td><b>Aff.Pub.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Sp.Ntc.</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Pers.Serv.</b></td> <td>w</td> </tr> <tr> <td></td> <td><b>Conf. Screen</b></td> <td></td> </tr> <tr> <td></td> <td><b>Letters</b></td> <td></td> </tr> <tr> <td></td> <td><b>Duties/Supp</b></td> <td></td> </tr> <tr> <td></td> <td><b>Objections</b></td> <td></td> </tr> <tr> <td></td> <td><b>Video Receipt</b></td> <td></td> </tr> <tr> <td></td> <td><b>CI Report</b></td> <td></td> </tr> <tr> <td></td> <td><b>9202</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Order</b></td> <td></td> </tr> <tr> <td></td> <td><b>Aff. Posting</b></td> <td></td> </tr> <tr> <td></td> <td><b>Status Rpt</b></td> <td></td> </tr> <tr> <td></td> <td><b>UCCJEA</b></td> <td></td> </tr> <tr> <td></td> <td><b>Citation</b></td> <td></td> </tr> <tr> <td></td> <td><b>FTB Notice</b></td> <td></td> </tr> </table>			<b>Aff.Sub.Wit.</b>		✓	<b>Verified</b>			<b>Inventory</b>			<b>PTC</b>			<b>Not.Cred.</b>		✓	<b>Notice of Hrg</b>			<b>Aff.Mail</b>			<b>Aff.Pub.</b>			<b>Sp.Ntc.</b>		✓	<b>Pers.Serv.</b>	w		<b>Conf. Screen</b>			<b>Letters</b>			<b>Duties/Supp</b>			<b>Objections</b>			<b>Video Receipt</b>			<b>CI Report</b>			<b>9202</b>		✓	<b>Order</b>			<b>Aff. Posting</b>			<b>Status Rpt</b>			<b>UCCJEA</b>			<b>Citation</b>			<b>FTB Notice</b>		<p><b>ROBERT RICHARDSON</b>, Maternal Grandfather, is Petitioner.</p> <p><b>TINA RICHARDSON</b>, Maternal Step-Grandmother, was appointed guardian of Aliah on 6-18-09 and Jasmine on 6-2-10.</p> <p>Father (Aliah): Unknown          Father (Jasmine): David Massey, Jr.          - Notice dispensed per minute order 6-2-10 unless whereabouts become known          Mother: Darnisha Lafay Richardson          - Notice dispensed per minute order 6-2-10 unless whereabouts become known</p> <p>Petitioner previously filed a petition for visitation that was denied by the Court on 11-28-11.</p> <p><b>Petitioner states</b> the last time he came to court requesting visitation of his biological granddaughters the Court denied his request because of lies that his now-ex-wife told the Court. But she is not their biological grandmother, she is was just Petitioner's wife.</p> <p>Petitioner states the guardian was issued a restraining order on 12-22-11 because of lies she told the Court, but immediately after court, up until 4-19-12, Petitioner was having regular weekend visits with his granddaughters. The reason those visits were cut short is contained in a police report made on 4-25-12 after his son moved from the guardian's home due to abuse. Since then, the children have not been able to communicate or visit with Petitioner or their 17-month-old little brother.</p> <p>Petitioner states on 4-14-12 his 2-year-old granddaughter walked into the bedroom while he was changing her little brother and pointed to his penis and said "dick." That's not a word that a 2-year-old has in her vocabulary. Petitioner requests that if the Court doesn't give him visitation that his granddaughter be removed from the guardian's home. Petitioner requests that the Court take all of this information under consideration when making a final decision.</p> <p><b>Court Investigator Julie Negrete filed a report on 9-12-12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Petitioner's previous petition for visitation was <u>denied</u> on 11-28-11. The Court found that it is not in the best interest of the minors to grant the petition.</p> <p><u>Note:</u> The guardian Tina Richardson has an active restraining order against Petitioner that expires 12-22-12 in 11CEFL07236.</p> <p><u>Continued from 8-2-12.</u></p> <p><u>Minute Order 8-2-12:</u> Ms. Richardson was served for this hearing on 6/28/12 by Lena Richardson. The court orders an Order to Show Cause for Tina Richardson regarding her failure to appear. She is ordered to personally appear on 9/27/12. The Court Investigator will get into contact with Robert Richardson and Tina Richardson. Continued to 9/27/12.</p> <p><u>OSC was mailed to Tina Richardson on 8-3-12.</u></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-21-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 - Richardson</b></p>
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## **Amended Petition to Determine Succession to Real Property**

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